

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

C.M., on his own behalf and on behalf of his
minor child, D.V.,

Plaintiffs,

v.

United States of America,

Defendant.

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Case No. 5:21-cv-00234-JKP-ESC

JOINT PROPOSED SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the court issues the following Scheduling Order:

1. Parties shall make initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) on or before **July 7, 2023**. To the extent Defendant knows the identity of a responsible third party contemplated by Texas Civil Practice and Remedies Code § 33.004, such identity is subject to disclosure under Rule 26(a)(1)(A)(i).

2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before **October 31, 2023**, and each opposing party shall respond, in writing, on or before **November 14, 2023**.

3. On or before **August 28, 2023**, the parties shall file any motion seeking leave to amend pleadings or join parties. To the extent it may apply in this case, the deadline for Defendant to file a motion to designate responsible third parties, pursuant to Texas Civil Practices & Remedies Code § 3.004(a), is **August 28, 2023**.

4. All parties asserting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure

26(a)(2)(B) on or before **February 23, 2024**.

5. Parties resisting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **March 22, 2024**.

6. Parties shall file all designations of rebuttal experts and serve on all parties the material required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, within **fourteen (14) days** of receipt of the report of the opposing expert.

7. The deadline to file supplemental expert reports required under Federal Rule of Civil Procedure is at least **thirty (30) days** before trial. Any report filed under this deadline may only supplement the initial report and may not introduce new opinion or subject matter. This deadline is not intended to provide an extension of the deadline by which a party must deliver the substance of its expert information or opinion.

8. The parties shall initiate all discovery procedures in time to complete discovery on or before **April 26, 2024**. Written discovery requests are not timely if they are filed so close to this deadline that under the Federal Rules of Civil Procedure the response would not be due until after the expiration of the deadline. *See* Local Rule CV-16. Counsel may by agreement continue discovery beyond the deadline. Should the parties agree to extend discovery beyond the deadline, there will be no intervention by the Court except in exceptional circumstances. No trial setting or other deadline set forth herein will be vacated due to information obtained in post-deadline discovery. *See* Local Rule CV-7.

9. The parties must mediate this case on or before **May 24, 2024** and file a report in accordance with Local Rule CV-88 after the mediation is completed.

10. On or before **June 21, 2024**, the parties shall file any *Daubert* motions and challenge to or motion to exclude expert witnesses. Any such motion must specifically state the basis for the objection and identify the objectionable testimony.

11. On or before **July 12, 2024**, parties shall file any dispositive motions, including motions for summary judgment on all or some of the claims. Further, notwithstanding any deadline provided herein, no motion (other than a motion in limine) may be filed after this date except for good cause.

12. The Court will set dates for trial and the final pretrial conference after ruling on any dispositive motions or after the deadline for such motions passes without a pertinent filing. At that time, the Court will also set appropriate deadlines for trial and pretrial conference matters.

SIGNED on this _____ day of _____, 2023.

ELIZABETH S. (“BETSY”) CHESTNEY
UNITED STATES MAGISTRATE JUDGE

Dated: June 23, 2023

Respectfully submitted,

Jaime Esparza
United States Attorney

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*Signed with permission